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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

In re:

THEYA PRAKASHINI
KANAGARATNAM,

Debtor.

Case No. 4:24-BK-40209

Chapter 7

**OPPOSITION TO DEBTOR'S
MOTIONS / LETTERS -
DOCUMENT NOS. 31, 33, 34, AND
35**

CitiBank, N.A. (hereinafter "Citibank"), secured creditor of debtor Theya Prakashini Kanagaratnam ("Debtor"), hereby opposes Debtor's Motion for Request for Admissions by Negative Averment Affidavit Responsive to Writings of Alleged Creditors US Bank and CitiBank (Doc. No. 31), Letter to the Court (Doc. No. 33), Motion to Issue Order to Stop and Cancel Foreclosure (Doc. No. 34) and Move Case to Admiralty and Addendum to the Motion Filed on July 3, 2024 to Issue Order to Stop and Cancel Foreclosure (Doc. No. 35) (collectively, the "Motions"). Each of the Filings were filed by Debtor following this Court's entry of its Order Discharging Chapter 7 (Doc. No. 29).

I.

STATEMENT OF FACTS

On October 3, 2006, Debtor executed a Deed of Trust (the “Deed of Trust”) securing a home equity line of credit loan in the original maximum amount of \$100,000.00 against real property commonly known as 2316 Lakeshore Ave, #16, Oakland, California 94606 (“Subject Property”). The Deed of Trust was recorded on October 10, 2006 in the Official Records of Alameda County, State of California. CitiBank is the present beneficiary of the Deed of Trust.

Debtor failed to pay the loan secured by the Deed of Trust and, on February 15, 2024, Debtor initiated the instant Chapter 7 bankruptcy case (Doc. No. 1). Thereafter, on June 5, 2024, this Court entered an Order Discharging Chapter 7 (Doc. No. 29).

On June 14, 2024, June 17, 2024, July 3, 2024, and July 17, 2024 Debtor filed the Motions, which are a series of meritless motions and related letters to the Court. The Motions seek relief which is not available to the debtor, including but not limited to responses to discovery requests which have not been properly propounded upon CitiBank (see generally, Doc. Nos. 31, 33, 34), an order enjoining the enforcement of secured liens and ordering reconveyances of the same (see, Doc. Nos. 34 ¶¶ 1-8; 35).

CitiBank now submits its Opposition to the Motions.

II.

ARGUMENT

Debtor’s Motions Are Meritless and Should Be Denied.

Debtor seeks relief in the form of an order for discovery responses, though such relief is sought by way of a purported motion and not through the channels set forth in the Federal Rules of Bankruptcy Procedure, such as adversary proceedings. (See, Doc. Nos. 31, 33, 34.) The Debtor also seeks a post-discharge order enjoining the enforcement of secured liens and ordering reconveyances of the same (see, Doc. Nos. 34 ¶¶ 1-8; 35). However, “[a]fter discharge, as is the case here, while the secured creditor is free to foreclose on collateral, § 524(a)(2) otherwise enjoins the creditor

1 from attempting to collect or enforce the debt.” In re Mayton, 208 B.R. 61, 66 (B.A.P.
2 9th Cir. 1997). Because such relief is contrary to the basic tenets and purpose of
3 bankruptcy, the Motions should be denied.

4 Moreover, it is clear that Debtor’s Motions are further based upon meritless
5 notions of the sovereign citizen theory. (See, e.g., Doc. 31 at 1:16-18 (Debtor
6 identifies herself as “the Secured Party Creditor, and Holder In Due Course and am
7 appearing Specially and not generally on behalf of the ESTATE also known as
8 THEYA PRAKASHINI KANAGARATNAM. I am not the Debtor for the named
9 ESTATE. Herein after Petitioner.”) “The Ninth Circuit Court of Appeals has rejected
10 arguments premised on the sovereign citizen ideology as utterly meritless. United
11 States v. Studley, 783 F.2d 934, 937 n.3 (9th Cir. 1986).” Bland v. Moffett, No.
12 119CV01750JLTSKOPC, 2022 WL 1198382, at *3 (E.D. Cal. Apr. 22, 2022), report
13 and recommendation adopted, No. 119CV01750JLTSKOPC, 2022 WL 1507034 (E.D.
14 Cal. May 12, 2022).

15 III.

16 CONCLUSION

17 Based upon the foregoing, CitiBank respectfully requests that this Court deny
18 the Motions in their entirety.

19 Respectfully submitted,

20 TIFFANY & BOSCO, P.A.

21
22 Dated: 08/07/2024

23 /s/ Richard L. Stevenson
24 Richard L. Stevenson, Esq.
25 Attorneys for CitiBank, N.A.
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